

**ENDORSED**  
First Judicial District Court

**COPY**

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT

AUG 18 2010

Santa Fe, Rio Arriba &  
Los Alamos Counties  
PO Box 2268  
Santa Fe, NM 87504-2268

JOHN SOLIS, SR., *and*  
LUZ ELENA SOLIS, *and*  
CECILIA ARBALLO, *and*  
John Solis Sr, as next friend of CHRISTIAN SOLIS, a Minor, *and*  
John Solis Sr, as next friend of LUIS A. SOLIS, a Minor.

Plaintiffs,

v.

Case No. D-101-CV-2010-02867

MEILLENUR GILLES, *and*  
2951291 CANADA, INC., *d/b/a/*  
TRANSPORT RAYMOND HUDON, *and*  
ZURICH AMERICAN INSURANCE COMPANY

Defendants

**COMPLAINT FOR PERSONAL INJURY**

COME NOW PLAINTIFFS, John Solis, Sr., Luz Elena Solis, Cecilia Arballo, Christian Solis Solis and Luis A. Solis, by and through their attorneys McLarty & Conaway Law Firm (Joshua Conaway) and for their complaint against Defendants states:

**I. JURISDICTION AND VENUE**

1. Plaintiff John Solis, Sr. is a resident of Bernalillo County, State of New Mexico, and was at all times relevant hereto.
2. Plaintiff Luz Elena Solis (Plaintiff) is a resident of Bernalillo County, State of New Mexico, and was at all times relevant hereto.
3. Plaintiff Cecilia Arballo (Plaintiff) is a resident of Bernalillo County, State of New Mexico, and was at all times relevant hereto.

Exhibit A

4. Plaintiff Christian Solis, a Minor (Plaintiff) is a resident of Bernalillo County, State of New Mexico, and was at all times relevant hereto.
5. Plaintiff Luis A. Solis, a Minor (Plaintiff) is a resident of Bernalillo County, State of New Mexico, and was at all times relevant hereto.
6. Defendant 2951291 Canada, Inc., d/b/a/ Transport Raymond Hudon (Defendant TRH) is a foreign for profit corporation incorporated under the laws of the country of Canada, and at all times relevant hereto was doing business in the State of New Mexico Bernalillo County, ..
7. Defendant Meillenur Gilles (Defendant Gilles) was a resident of Quebec, Canada, at all times relevant hereto.
8. Defendant Zurich American Insurance Company (Zurich) is a foreign for profit corporation doing business in Bernalillo County, State of New Mexico. Zurich is named as a party herein pursuant to the holding in Martinez v. Reid, 2002-NMSC-015 (2003).
9. The events giving rise to this cause of action occurred within Bernalillo County, New Mexico.
10. Jurisdiction and Venue are proper in this Court.
11. The court has jurisdiction over the lawsuit under 28 U.S.C. § 1332 (a)(2) because the plaintiff and the defendants are citizens of a State and citizens or subjects of a foreign state and the amount in controversy exceeds \$ 75,000, excluding interest and costs.
12. The court has jurisdiction over the lawsuit under the New Mexico Long-Arm Statute, N.M. Stat. Ann. § 38-1-16(a)1-3) because the defendants (1) transacted business within this state; (2) operated a tractor trailer motor vehicle upon the highways of this state; and (3) committed a tortious act within this state.

## **II. SERVICE OF PROCESS VIA NM SECRETARY OF STATE**

13. All above Paragraphs are re-alleged and incorporated by reference herein.
14. Service of Process on Defendant TRH is being effected through the NM Office of the Secretary of State, Operations Division under the authority of NMSA 38-1-5; 38-1-5.1; 38-1-6; 38-1-6.1; and 53-17-15.
15. The supporting Affidavit has been filed separately.

## **III. NEGLIGENCE OF DEFENDANT GILLES**

16. All above Paragraphs are re-alleged and incorporated by reference herein.
17. On or about August 14, 2007, Plaintiffs were driving in a vehicle eastbound in the Wal-Mart parking lot located at 301 San Mateo in Albuquerque, New Mexico,
18. Defendant Gilles drove his semi-truck the wrong way and struck Plaintiffs vehicle.
19. The impact of the collision caused injuries to Plaintiffs.
20. Defendant owed a duty of care to Plaintiffs and all other drivers in the community that were driving on the date of the incident.
21. Defendant had a duty of care to drive his semi-truck as a reasonable and prudent person would under the circumstances.
22. In violation of his duty of care, Defendant Gilles drove his semi-truck in a reckless and negligently manner, to include but not be limited to:
  - a. Driving at an excessive speed;
  - b. Driving the wrong way in a lane restricted to non-semi vehicles;
  - c. Failing to pay attention to the roadway in front of him;
  - d. Failing to keep a proper lookout;

- e. Failing to drive as a reasonable person would under the circumstances;
  - f. Committing *per se* violations as a matter of law.
23. Defendant's negligent driving was the actual and proximate cause of the collision.
24. Defendant's negligent driving was the actual and proximate cause of the damage to Plaintiffs' vehicle, and their injuries, and other harms and losses that they suffered.

#### **IV. NEGLIGENCE OF DEFENDANT TRH**

25. All above Paragraphs are re-alleged and incorporated by reference herein.
26. Defendant TRH was the employer of Defendant Gilles, and is liable for the negligent acts and omissions of Defendant Gilles under the theory of respondeat superior.

#### **V. DAMAGES**

27. All Paragraphs above are re-alleged and incorporated by reference herein.
28. Plaintiffs' injuries required the hiring of physicians and other healthcare providers to examine, treat and care for Plaintiffs.
29. Plaintiffs' injuries have required, and may require in the future; medical treatment, therapy and medication.
30. Plaintiffs have incurred economic losses; pain and suffering; and other past and future harms and losses that will be shown at trial.

WHEREFORE, Plaintiffs John Solis, Sr., Luz Elena Solis, Cecilia Arballo, Christian Solis Solis and Luis A. Solis request judgment against Defendants for damages listed in this Complaint, costs and attorney's fees, pre and post judgment interest and any other relief to which she may be entitled.

Respectfully submitted this 13 day of August, 2010.

McLARTY & CONAWAY, LLC

A handwritten signature in black ink, appearing to read "T. McLarty", is written over a horizontal line.

THOMAS MCLARTY

4105 Montgomery Blvd., NE

Albuquerque, NM 87109

Tel: (505) 244-2230

Fax: (505) 244-2231

Email: [thomas@mclartylaw.net](mailto:thomas@mclartylaw.net)

*Attorney for Plaintiffs*

CC 7

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT

JOHN SOLIS, SR., *and*  
LUZ ELENA SOLIS, *and*  
CECILIA ARBALLO, *and*  
John Solis Sr, as next friend of CHRISTIAN SOLIS, a Minor, *and*  
John Solis Sr, as next friend of LUIS A. SOLIS, a Minor.

Plaintiffs,

v.

Case No. D-101-CV-2010-02867

MEILLENUR GILLES, *and*  
2951291 CANADA, INC., *d/b/a/*  
TRANSPORT RAYMOND HUDON, *and*  
ZURICH AMERICAN INSURANCE COMPANY

Defendants

**SUMMONS**

TO: 2951291 Canada, Inc., *d/b/a/* Transport Raymond Hudon  
312, St-FrancoisXavier  
Delson, Québec, Canada  
J5B 1Y1

**GREETINGS:**

YOU ARE HEREBY directed to serve a pleading or motion to the Complaint within thirty (30) days after service of this summons, and file the same, all as provided by law.

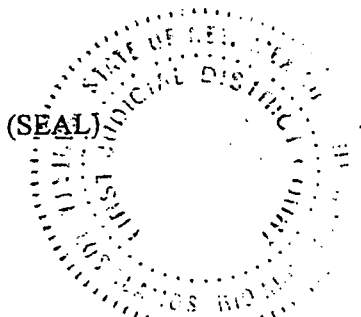
You are noticed that, unless you serve and file a responsive pleading or motion, the Plaintiff(s) will apply to the Court for relief demanded in the Complaint.

Attorneys for the Plaintiffs: McLarty & Conaway, LLC  
Thomas McLarty Phone: 505-842-8335  
4105 Montgomery Blvd. NE Fax: 505-842-8338  
Albuquerque, New Mexico 87109 Email: thomas@mcclartyllaw.net  
Barbara J. Vigil

WITNESS the Honorable \_\_\_\_\_, District Judge of the First  
Judicial District Court of said County, this 13 day of Aug, 2010  
STEPHEN J. PACHECO

CLERK OF THE DISTRICT COURT

By Michelle Garcia  
Deputy



NOTE: This summons does not require you to see, telephone or write to the District Judge of the Court at this time. It does require you or your attorney to file your legal defense to this case in writing with the Clerk of the District Court within 30 days after the summons is legally served on you. If you do not do this, the party suing may get a Judgment by default against you. If you want the advice of a lawyer and don't know one, you may wish to call The State Bar Statewide Lawyer Referral Service.

(1) RETURN FOR COMPLETION BY SHERIFF OR DEPUTY: I certify that I served the within Summons in said County on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, by delivering a copy thereof, with copy of Complaint attached, in the following manner:

**OR;**

(2) RETURN FOR COMPLETION BY OTHER PERSON MAKING SERVICE: I, being duly sworn, on oath, say that I am over the age of 18 years and not a party to this lawsuit, and that I served the within Summons in said County of the \_\_\_\_ day of \_\_\_\_\_, 200\_\_, by delivering a copy thereof, with copy of Complaint attached, in the following manner:

**(check one box and fill in appropriate blanks):**

- ☐ To Defendant \_\_\_\_\_ (used when Defendant receives copy of Summons, is read Summons or Complaint or refuses to receive Summons or hear reading.)
- ☐ To \_\_\_\_\_, a person over the age of 15 years and residing at the usual place of abode of Defendant \_\_\_\_\_, (used when the defendant is not presently at place of abode) and by mailing by first class mail to the defendant at \_\_\_\_\_ (insert defendant's last known mailing address)
- ☐ To \_\_\_\_\_, to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (used when service is by mail or commercial courier service).
- ☐ To \_\_\_\_\_, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at \_\_\_\_\_ (insert defendant's business address) and by mailing the summons and complaint via first class mail to the defendant at \_\_\_\_\_ (insert defendant's last known mailing address).
- ☐ To \_\_\_\_\_, an agent authorized to receive service of process for defendant at the following address: \_\_\_\_\_
- ☐ To \_\_\_\_\_, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant \_\_\_\_\_ (used when defendant is a minor or an incompetent person).
- ☐ To \_\_\_\_\_, (name of person), \_\_\_\_\_, (title of person authorized to receive service). Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

Fees: (1) \_\_\_\_\_  
Signature of Private Citizen Making Service

**OR**

(2) \_\_\_\_\_  
Signature of Sheriff of \_\_\_\_\_ County

#### ACKNOWLEDGMENT

STATE OF NEW MEXICO )  
COUNTY OF \_\_\_\_\_ )

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My Commission Expires: \_\_\_\_\_

COPY

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT

ENDORSED  
First Judicial District Court

AUG 18 2010 *mg*

Santa Fe, Rio Arriba &  
Los Alamos Counties  
PO Box 2268  
Santa Fe, NM 87504-2268

JOHN SOLIS, SR., *and*  
LUZ ELENA SOLIS, *and*  
CECILIA ARBALLO, *and*  
John Solis Sr, as next friend of CHRISTIAN SOLIS, a Minor, *and*  
John Solis Sr, as next friend of LUIS A. SOLIS, a Minor.

Plaintiffs,

v.

Case No. D-101-CV-2010-02867

MEILLENUR GILLES, *and*  
2951291 CANADA, INC., *d/b/a/*  
TRANSPORT RAYMOND HUDON, *and*  
ZURICH AMERICAN INSURANCE COMPANY

Defendants

**JURY DEMAND**

COME NOW the Plaintiffs, by and through their attorney of record, McLARTY & CONAWAY, LLC (Thomas McLarty) and hereby demands a trial by a six (6) person jury of all factual issues in this case. The Plaintiffs hereby deposit with the Court the sum of \$150 for jury costs, pursuant to S.C.R.A. 1986, 1-038(C) (Cum. Supp. 1996) and First Judicial District Local Court Rules.

Respectfully submitted this 13 day of August, 2010.

McLARTY & CONAWAY, LLC

*Thomas*

Thomas McLarty  
4105 Montgomery Blvd., NE  
Albuquerque, New Mexico 98109  
Tel: (505) 244-2230  
Fax: (505) 244-2231  
*Attorney for Plaintiffs*



STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT

JOHN SOLIS, SR., *and*  
LUZ ELENA SOLIS, *and*  
CECILIA ARBALLO, *and*  
John Solis Sr, as next friend of CHRISTIAN SOLIS, a Minor, *and*  
John Solis Sr, as next friend of LUIS A. SOLIS, a Minor.

Plaintiffs,

v.

Case No. D-101-CV-2010-02867

MEILLENUR GILLES, *and*  
2951291 CANADA, INC., *d/b/a/*  
TRANSPORT RAYMOND HUDON, *and*  
ZURICH AMERICAN INSURANCE COMPANY

Defendants


**COURT-ANNEXED ARBITRATION CERTIFICATION**

COME NOW the Plaintiffs, by and through their attorney, McLARTY & CONAWAY, LLC, (Thomas McLarty), and, pursuant to First Judicial District Local Rules, Rule LR2-603, certifies as follows:

- [ ] This party seeks only a money judgment and the amount sought does not exceed twenty-five thousand dollars (\$25,000.00) exclusive of punitive damages, interest, costs and attorney fees.
- [ X ] This party seeks relief other than a money judgment and/or seeks relief in excess of twenty-five thousand dollars (\$25,000.00) exclusive of punitive damages, interest, costs and attorney fees.

Respectfully submitted this 13 day of August, 2010.

McLARTY & CONAWAY, LLC

  
Thomas McLarty  
4105 Montgomery Blvd., NE  
Albuquerque, New Mexico 98109  
Tel: (505) 244-2230  
Fax: (505) 244-2231  
*Attorney for Plaintiffs*

ENDORSED  
First Judicial District Court

MAY 13 2010

Santa Fe, Rio Arriba,  
Los Alamos Counties  
PO Box 2288  
Santa Fe, NM 87501-2288

COPY